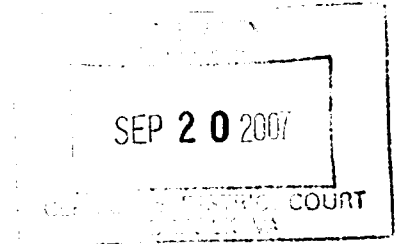


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



MARK LAVON CUFFEE, #272836

Petitioner,

v.

2:07CV195

GENE M. JOHNSON, Director of the
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to his original conviction and the revocation hearing of May 6, 1999, at which time petitioner's previously suspended sentence was revoked. Petitioner was originally convicted on December 12, 1992, in the Circuit Court for the City of Norfolk, Virginia, for possession of cocaine with intent to distribute and possession of a firearm, as a result of which he was sentenced to twelve years imprisonment, with seven years suspended.

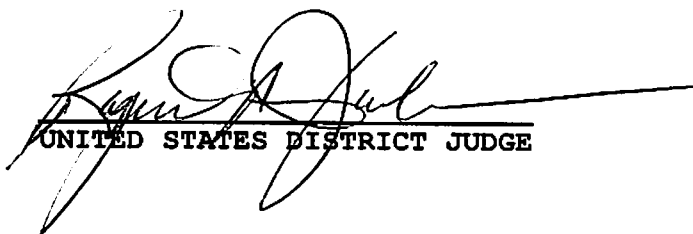
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Magistrate Judge filed his report recommending dismissal of the petition on August 2, 2007. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. By Order of August 20, 2007, petitioner's motion for

an extension of time within which to file objections was granted, and petitioner's time was extended to August 30, 2007. To date, the Court has received no objections to the report, and the time for filing same has expired.


The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed August 2, 2007, and it is, therefore ORDERED that the petition be DENIED and DISMISSED pursuant to the statute of limitations and that judgment be entered in respondent's favor.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment. Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." Therefore, the Court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to issue a certificate of appealability. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to petitioner and to counsel of record for respondent.


UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

 September 20, 2007